

REMARKS

In the Office Action of September 3, 2003, the Examiner rejected all pending claims 1-54. The Examiner rejected claims 1-13, 19-31, and 37-49 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,490,666 to Cabrera et al. (Cabrera) in view of U.S. Patent Application Publication No. 2001/0003829 to Romine. The Examiner rejected claims 14-18, 32-36, and 50-54 under 35 U.S.C. §103(a) as being unpatentable over Cabrera, in view of Romine and further in view of U.S. Patent No. 6,269,431 to Dunham. Applicants disagree with the Examiner's rejections and respectfully submit that the Examiner has failed to make out a *prima facia* case of obviousness because the cited references fail to disclose each and every element of Applicants' claims.

The Examiner rejected claims 1-13, 19-31, 37-49 under U.S.C §103(a) as being unpatentable over Cabrera in view of Romine. The Examiner states that Cabrera discloses a method for managing files in a file system as claimed in claim 1 of Applicants' invention. The Examiner states that Cabrera teaches each and every element of Applicants' claim 1, but that "Cabrera does not explicitly state that data from the file in the memory is provided to the application program before the entire file has been read from the secondary storage into the memory as claimed." The Examiner argues, however, that "Cabrera does state that the purpose for using a no-recall request method is to provide the file (via streaming) to the requesting application without recalling the entire file to disk", citing Column 2, Lines 22-25 of Cabrera. To cure the deficiencies of Cabrera, the Examiner argues that Romine discloses streaming a file

from a secondary storage to an application program, citing paragraphs 58-60 of Romine's specification.

The Applicants disagree with the Examiner's assertions regarding Romine and Cabrera. Particularly, neither Romine nor Cabrera, either alone or in combination, disclose, teach, or suggest at least "providing data from the file in the memory to the application program before the entire file has been read from the secondary storage into the memory." The Examiner argues that there is an "explicit suggestion for providing data from the file in the memory to the application program before the entire file has been read from the secondary storage" in Cabrera. Applicants can find no such suggestion. The cited portion of Cabrera, column 2, lines 22-25, discusses streaming data from a secondary storage to an application, so that the *entire file does not have to be recalled to disk* (presumably the primary storage). It does not appear to suggest "providing data from the file in the memory before the entire file has been read from the *secondary storage into memory*." Rather, Cabrera's described no-recall method appears to be focused on not "recalling the entire file to disk." As the Examiner has acknowledged, Cabrera is silent on the issue and doesn't teach or suggest moving a portion of the file into the memory.

While the Examiner looks to Romine to make up for this deficiency, citing paragraphs 58-60 of Romine's specification, Romine fails to disclose this element. Romine is directed to streaming data from a hard drive, wherein the data has been restored from a backup tape drive to the hard drive. Romine reads portions of files from the primary storage into memory rather than from the secondary storage into memory as required by claim 1. Therefore, Applicants respectfully submit that, for at least this

reason, claims 1, 19, and 37 are patentable over Romine and Cabrera. Furthermore, claims 2-13, 20-31, and 38-49, at least by their dependency on respective claims 1, 19, and 37, are also patentable over the cited prior art.

In addition, regarding dependent claims 2, 20, and 38, the Examiner maintains that Cabrera teaches "storing in the primary storage a partial version of at least one released file, wherein the partial version includes a portion of the data in at least one released file." The Examiner points to the "stub file" of Cabrera as teaching this limitation, stating that a stub file is at least one data block buffered from the original file. However, Applicants respectfully submit that the Examiner has misapprehended the stub file of Cabrera. Column 1, Lines 54-58 of Cabrera expressly teaches that a stub file "contains information that allows the hierarchical data storage system to determine where the data in the file has been migrated." Therefore, the stub file of Cabrera is merely a pointer to the location in secondary storage to where the data file has been migrated. Nothing in Cabrera teaches that the stub files contains a partial version of the file that was released. For at least this reason, Applicants respectfully submit that claims 2, 20, and 38 are patentable over the cited prior art. Furthermore, claims 3-7, 21-25, and 39-44 are at least patentable due to their dependency from respective claims 2, 20, and 38.

Therefore, Applicants respectfully submit that they have traversed the rejection of these claims.

The Examiner rejected claims 14-18, 32-36, and 50-54 under 35 U.S.C. §103(a) as being unpatentable over Cabrera in view of Romine and further in favor of Dunham. The Examiner acknowledges that neither Cabrera nor Romine explicitly has component

files of groups accessed by the application program as claimed. However, the Examiner maintains that Dunham discloses a system and method similar to those of Cabrera and Romine, wherein the files include component files of groups that are accessed by an application program as claimed. Applicants respectfully disagree with the Examiner's assertion.

Romine fails to disclose that "the files include component files of groups that are accessed by application program." Dunham is directed to restoring data from backup tape onto primary storage devices. Dunham fails to disclose "storing in the primary storage a partial version of each released component file." In fact, Dunham teaches just the opposite. As an example, Dunham teaches "to restore some data from a particular table space of a database, the backup agent may copy the backup version of the file system to spare primary storage, and then invoke a database application program to restore the database in its entirety in spare primary storage, and use utilities in the database application program to copy out the data from the particular table space of the database." Column 17, Lines 32-38. Thus, Dunham actually teaches only copying an entire database over and not component files of groups. According to Dunham, in order to get a particular portion of a database restored, the entire database must be copied to spare primary storage before portions are accessible. Therefore, because none of the cited prior art discloses, teaches, or suggests "storing in the primary storage a partial version of each released component file included in one of the groups accessed by the application program, wherein the partial version includes a portion of the released component file" claims 14, 32, and 50 are patentable. Furthermore, at least by virtue of their dependency on claims 14, 32, and 50 respective claims 15-18, 33-36, and 51-54

are patentable over the cited prior art. In addition, for the reasons cited with respect to the rejection of claim 1, claims 14-18, 32-36, and 50-54 are patentable over the cited prior art, by virtue of their respective dependencies from claims 1, 19, and 37.

CONCLUSION

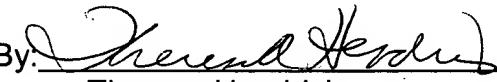
In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER, L.L.P.

Dated: Jan 26, 2004

By: 
Therese Hendricks
Reg. No. 30,389